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PATENT
10/725,817

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Issue Application of: Cechan Tian et al.
Serial No.: 10/725,817
Filed: December 1, 2003
Group No.: 3663
Examiner: Mark Hellner
For: CONTROL SYSTEM AND METHOD FOR AN OPTICAL
AMPLIFIER

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION (37 C.F.R. §1.321 (c)) AND
CERTIFICATE UNDER 37 C.F.R. §3.73 (b)**

I, Yozaburo Tijama, Executive Vice President, Chief Administrative Officer and Secretary of Fujitsu Network Communications, Inc., represent that Fujitsu Network Communications, Inc. is the assignee and the exclusive owner of the entire right, title and interest of, in and to application Serial No. 10/725,817, filed on December 1, 2003, for CONTROL SYSTEM AND METHOD FOR AN OPTICAL AMPLIFIER, as indicated by the assignment from Cechan Tian, Susumu Kinoshita and Joseph R. Rodriguez filed March 29, 2004, a copy of which is attached, and certify that to the best of assignee's knowledge and belief, title is in the assignee seeking to take action; and that I am empowered to act on behalf of assignee.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. Furthermore, I declare that these statements are made with the knowledge that willful false statements and the like

so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the Application or any patent issuing thereon.

Fujitsu Network Communications, Inc. hereby disclaims the terminal part of any patent granted on the above-identified application, that would extend beyond the expiration date of U.S. Patent No. 6,690,508 granted February 10, 2004, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,690,508, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor or assigns.


Petitioner, however, does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration of the full statutory term of the above-referenced U.S. Patent No. 6,690,508, in the event that one or more of the following occurs: U.S. Patent No. 6,690,508 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The \$110.00 fee required by 37 C.F.R. 1.20(d) is submitted herewith and believed to be correct. However, the Commissioner is hereby authorized to charge any underpayment or credit any overpayment of fees to Deposit Account No. 02-0384 of Baker Botts, L.L.P.

Respectfully submitted,

June 14, 2004

Date


Yezaburo Tijama, Executive
Vice President, Chief Administrative Officer
and Secretary